IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. (M/S) of 2001
(Old No. 25934/96)

State of U.P. Through Executive
Provincial Deivision, P.W.D.,
Uttarkashi and another. …Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another. …Respondents

Hon'ble P.C. Verma,J.

Heard the learned Standing counsel as well as Sri Manoj Tewari, learned counsel for the respondent No 2.

This petition has been filed by the petitioners challenging the award dated 15.12.1995. whereby the Labour Court held that the termination of services of Kailash Chandra Pande from 09.05.1986 was illegal and improper and directed the petitioners to reinstate the workman/ respondent No. 2 in service with back wages.

The case of the respondent No. 2 is that he was engaged as diploma holder Surveyor on 25.05.1984 with the employer - establishment on daily wages but from 09.05.1986 he was not allowed to work. He was not given any prior notice or any order terminating his services.

The learned counsel for the petitioners submitted that there is no sanction and regular post in the Department and the Labour Court has reached at a wrong conclusion.

I have perused the findings recorded by the Labour Court. The Labour Court has found that the respondent No. 2 had worked 240 days in every calendar year, which is not denied by the petitioners before the Labour Court. I do not find any infirmity or illegality in the impugned award.

The writ petition is dismissed. No order as to costs.

(P.C. Verma,J.)

29.09.2003
P.Singh